

TITLE V FEDERAL OPERATING PERMITS PROGRAM ENGINEERING EVALUATION OF APPLICABLE FEDERAL REQUIREMENTS

1.0 Facility Information:

Facility Name: Neal Road Landfill
Location: 1023 Neal Road
Paradise, CA 95969

Site Contact: Mike Crump, Director
Butte County Department of Public Works
7 County Center Drive
Oroville, CA 95965
(530) 538-7681

Responsible Official: Mike Crump

2.0 Facility Description:

The Neal Road Sanitary Landfill (NRSL) is located in a rural area of Butte County where ranches and grazing are the principal land uses. There are small areas of agricultural and residential parcels within a one-mile radius of the landfill. The geographic area is one of past lava flows that have covered much of the region in layers several feet thick. The landfill is located at the edge of this region. Many small valleys between tongues of lava characterize this edge. The landfill itself is located between two such tongues.

NRSL was opened in 1965 and operated as a burn dump. Waste disposal operations were converted to land filling in 1970. The County of Butte operated the landfill from 1970 to 1978. The Neal Road Landfill Company then took over the operation of the landfill until 1998 when it merged with Waste Management, Inc. The site encompasses 165.143 acres. Solid waste disposal operations utilize the area fill method. Fill areas are designated as modules. The sum of all the modules, existing and proposed, comprises the refuse footprint that was used to determine the capacity of the landfill and, then, applicability of the federal New Source Performance Standard for Municipal Solid Waste Landfills.

On February 2, 1999 the Butte County Department of Environmental Health issued a permit to expand the footprint of the landfill. The issuance of a permit for the proposed expansion triggered requirements codified in 40 CFR 60, Subpart WWW - Standards of Performance for Municipal Solid Waste

Landfills, and also triggered the requirement to apply for and receive a Title V Operating Permit for the landfill.

The landfill is comprised of 4 waste disposal modules; three existing and one new module that has not yet started accepting waste. In addition to the modules, the landfill operated a household hazardous waste storage area, a green waste disposal area two septage ponds and one leachate pond. This equipment/activities comprise the significant emissions units that have been identified at the landfill.

The landfill operator periodically contracts with various companies' to grind greenwaste disposed of at the landfill. This is typically done with a portable tubgrinder which has been identified in the Title V Operating permit as insignificant equipment.

3.0 Insignificant Activities:

See Table 1. *Exempted And Insignificant Emissions Units* of the Title V Operating Permit for a partial list of insignificant activities and/or exempt equipment.

4.0 Applicable Federal Requirements:

Applicable federal requirements are all requirements that the facility must comply including the following:

- District prohibitory rules adopted into the State Implementation Plan (SIP): A copy of the SIP Action Log and complete copies of SIP-approved prohibitory rules are attached (Attachment B). Note that some of the SIP approved rules clearly do not apply to this facility and will not be included in the Title V permit. Each rule and the justification for including/excluding the rule requirements from the Title V permit will be addressed below. In many cases the SIP approved version of a particular rule or requirement has been superseded by a more current version of the rule that is at least as stringent as the SIP approved version. Where the current rule is more stringent than the SIP approved version, the Title V permit will reflect the current rule requirements. Prohibitory rules that do not apply to any specific emissions units at the facility will be enforced through a general duty requirement to "...comply with all applicable federal, state, and District air quality regulations..." Copies of the current District Rules referenced below are included (Attachment C).

SIP Approved Rule	Current Rule	Comments
2-1 Nuisance	201 Nuisance	Rule 2-1 was SIP Approved on 5/31/72 and recodified as Rule 201 on August 6, 1975. Rule 201 will be enforced through the Title V Operating Permit
202 Visible Emissions	Same	SIP Approved on 7/12/90 and will be enforced through the Title V Operating Permit

2-3 Uncombined Water	202 - Visible Emissions	Rule 2-3 was SIP Approved on 5/31/72. The requirements of Rule 2-3 were incorporated into Rule 202 which was SIP-Approved on 7/12/90. Rule 202 will be enforced through the Title V Operating Permit
203 Particulate Matter Concentration	Same	SIP Approved on 7/12/90 Rule 203 will be enforced through the Title V Operating Permit
204 Exemptions To Rules 201, 202, and 203	Same	Rule 204, while applicable, will not be included in the Title V Operating permit. Exemption determinations will be made prior to permit issuance, or as part of a New Source Review evaluation for new or modified emissions units.
205 Process Weight Limitation	Same	SIP Approved on 7/12/90 and will be enforced through the Title V Operating Permit
2-8.1 Certain Outdoor Fires Prohibited: 2-8.2 Dump Open Burning	308 Burning at Disposal Sites	Rules 2-8.1 and 2-8.2 were SIP Approved on 5/31/72, and then Recodified as Rules 324, and 325, Respectively, and SIP Approved on 2/3/87. Rule 324 and 325 were recodified and combined into Rule 308 on 8/20/98. Rule 308 will be enforced through the Title V Operating Permit.
210 Gasoline Transfer Into Stationary Storage Containers	210 Phase I Vapor Recovery Requirements	SIP Approved 7/12/90. Not Applicable
211 Exemptions to Rule 210	210 Phase I Vapor Recovery Requirements	SIP Approved 7/12/90. Not Applicable.
212 Gasoline Storage	212 Delivery Vessels Equipped With Vapor Recovery	SIP Approved 7/12/90 The current version is at least as stringent as the SIP approved version: This facility does not have any emissions units that are subject to this rule. Rule 210 will be enforced in the Title V Operating Permit as a General Duty requirement.

213 Bulk Facilities, Petition For Annual Exemption	No current rule with similar requirements	SIP Approved 7/12/90. Not applicable.
214 Vapor Collection And Disposal System At Loading Facilities	214 Vapor Collection And Disposal System At Loading Facilities.	SIP Approved 7/12/90. Not applicable.
215 Storage Of Gasoline Products At Bulk Facilities	215 Storage Of Gasoline Products At Bulk Facilities	SIP Approved 7/12/90. Not applicable.
220 Dry Cleaning	220 Dry Cleaning	SIP Approved 7/12/90. Not applicable.
225 Solvent Storage	225 Solvent Storage	SIP Approved 7/12/90 this rule will be enforced through the Title V permit
231 Sulfur Oxides Emission Standard	231 Sulfur Oxides Emission Standard	SIP Approved 7/12/90 This rule will be enforced through the Title V permit.
2-13 Reduced Sulfur Emission Standard	230 Reduced Sulfur Emission Standards	SIP Approved 7/12/90 The current version is at least as stringent as the SIP approved version: the current version will be enforced through the Title V permit.
241 Cutback & Emulsified Asphalt	Same	SIP Approved 2/5/96 Maintenance activities such as paving of parking areas is “trivial activity” per White Paper #1. Rule 241 will be enforced through a general duty requirement.
250 Circumvention	Same	SIP Approved 2/3/87 This rule will be enforced through the Title V permit
260 Separation of Emissions	Same	SIP Approved 2/3/87 This rule will be enforced through the Title V permit
261 Combination of Emissions	Same	SIP Approved 2/3/87 This rule will be enforced through the Title V permit
270 Orchard Heater	Same	SIP Approved 2/3/87. This rule does not apply to this source.
401 General Requirements	Same	SIP Approved 2/3/87. This rule will be enforced through the Title V permit.

402 Authority to Construct	Same	SIP Approved 2/3/87. This rule will be enforced through the Title V permit.
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- Requirements specified in any New Source Performance Standard (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPS), or Maximum Achievable Control Technology (MACT) standard applicable to the source.
 - 40 CFR Part 60, Subpart WWW – *Standards of Performance for Municipal Solid Waste Landfills*. The Butte County Department of Environmental Health issued a permit to expand the capacity of the landfill on February 2, 1999. The proposed expansion of the landfill triggered applicability requirements in 40 CFR 60 Subpart WWW including a requirement to apply for, and receive, a Title V Operating Permit for the landfill.
 - Title VI of the CAA (Stratospheric Ozone) requirements.
- Conditions listed in any New Source Review (NSR) permit or Permit to Operate issued to the source. A Copy of the current Permit to Operate (Attachment E) is attached for reference.

Discussion:

The table below is designed to assist in evaluating the proposal for the Title V permit for the Neal Road Sanitary Landfill. The table may be sorted by any column. Recommended usage is to sort by the Title V codification column to see the permit in the order and format proposed for the Title V permit. Sorting on the District Permit column will put the permit conditions in the order that they appear in Permits to Operate. The numbers in the District Permit column correspond to the order in which the conditions appear on the District Permit to Operate.

The reviewer should also note that Title V incorporates numerous requirements that do not appear in the existing permits. These requirements are primarily administrative, however additional requirements from the New Source Performance Standards (40 CFR Part 60, Subpart WWW) are explicitly included rather than incorporated by reference. Several requirements from the existing operating permits are proposed for deletion on the basis that the conditions are not environmentally significant. Many of the administrative requirements reflect federal requirements. Comments relevant to the streamlining proposal have been included in *Italics*.

NSPS	District Permit	Description	Streamlined Condition, Comment, and/or Title V Condition	Title V
	3	This Permit to Operate shall be posted in a conspicuous location at the site and shall be presented to the Air Pollution Control Officer (APCO), or his appointed representative, upon request.	<i>Deleted. No underlying applicable federal requirement</i>	
	6	Acceptance of this permit is deemed acceptance of all conditions as set forth herein. Failure to comply with any condition of this permit or the Rules and Regulations of the Butte County Air Quality Management District (District) or State law is grounds for revocation of this permit.	<i>Streamlined at condition II.F.1.</i>	
	11	The permit holder shall comply with all applicable requirements of the Air Toxics “Hot Spots” Information and Assessment Act of 1987 (AB2588), pursuant to California Health and Safety Code Section 44300 et. seq.		
	15	Permit requirements apply to the facility owner and/or operator(s) <i>and any contractor or subcontractor</i> performing any activity authorized under this permit. Any person(s), including contractor(s) and/or subcontractor(s), not in compliance with the applicable permit requirements are in violation of State and local laws and subject to appropriate civil and criminal penalties. The facility owner and/or operator, and all contractor(s) or subcontractor(s) are <i>strictly liable</i> for the actions and violations of their employee(s). Any violation committed by a contractor or subcontractor shall be considered a violation by the facility owner and/or operator, and the contractor and/or any subcontractor(s).	<i>Deleted. No underlying applicable requirement</i>	
			The permit holder shall install, maintain, and continuously operate the air pollution control equipment and/or work practice requirements listed in Table 3.	I.C.1.
	4	The anniversary date for this permit is September	This permit to operate shall be valid for a term of five years from the date of issuance.	II.A.1.

		30, 2000.	[Rule 1101 §6.2.15, 40 CFR §70.6(a)(2)]	
	5	This permit is effective on the anniversary date set forth in condition #4, and shall be renewable annually upon payment of required permit fees.	The permittee shall submit a standard District application for renewal of this Title V permit to the permitting authority (APCO), no earlier than eighteen (18) months and no later than six (6) months before the expiration date of the current permit to operate. Permits to operate for all emissions units at a stationary source shall undergo simultaneous review. [Rule 1101 §4.2.2, 40 CFR §70.5(a)(1)(iii)]	II.A.2.
			Provided a complete and timely application has been submitted, this permit shall not expire until the renewal permit has been issued or denied and any permit shield contained herein pursuant to 40 CFR § 70.6(f) shall extend beyond the original permit term until the renewal permit has been issued or denied. [40 CFR §70.4(b)(10)]	II.A.3
	9	This permit is not transferable from one location to another, from one piece of equipment to another, or from one person to another without prior written consent from the APCO. A transfer of ownership shall be granted as authorized pursuant to Condition #12 of this permit.	<i>Streamlined with II.B.1.</i> Administrative permit requirements are contained in District Rule 1101 which is referenced in section II.B.1. of the Title V permit	II.B.1.
	12	In the event the control of the subject facility is assumed by a new owner or operator, the APCO shall be notified of such transfer by the submittal of a written request for transfer of this permit by the new owner or operator within thirty (30) days of the transfer.	For any correction or amendment to this permit, or for any change to the facility or its operation which requires an amendment to this permit, the permittee shall comply with the Administrative Procedures for Sources in accordance with the applicable sections of District Rule 1101.	II.B.1.
	1	An Authority to Construct Permit and/or Permit to Operate is required before any person, including any contractor or subcontractor, builds, erects, alters or replaces any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, including any soil or water contamination or remediation activity that has the potential to emit any air contaminant.	This requirement is based on SIP-approved District Rules 401 and 402. Rather than include this condition as stated, the underlying SIP rules are included in the Title V permit as conditions II.B.2 and II.B.3, respectively.	II.B.2 and II.B.3
			The permittee shall pay annual fees in accordance with Rule 500 (Stationary Source Permit Fees), Rule 505 (Title V Fees), and Rule 506 (Air Toxic “Hot Spots” Fees). Total fees shall not exceed an overall fee rate of \$25.00 per ton of actual emissions, CPI adjusted to base year 1989 and calculated in accordance with Rule 505, paragraph 3. [Rule 505, 40 CFR §70.9(b)(i)]	II.C.1.
	13	The “Right of Entry”, as delineated by the California Health & Safety Code Section 41510 of	The APCO, the Executive Officer of the California Air Resources Board, the EPA Regional Administrator and/or their authorized representatives, upon the presentation	II.D.1.

		Division 26, shall apply at all times, and during any time when the equipment is in operation, and during reasonable daylight hours when the equipment is not in operation.	of credentials, shall be permitted: <ul style="list-style-type: none"> a. To enter upon the premises where the emission source is located or in which any records are required to be kept under the terms and conditions of this permit; and, b. At mutually agreed upon times to have access to and copy any records required to be kept under terms and conditions of this permit; and, c. To inspect any equipment, operation, or method required in this permit; and, d. To obtain samples from the emission source or require samples to be taken. [Rule 1101 §4.10, 40 CFR §70.6(c) (2)] 	
	10	If any provision or condition of this permit is found invalid, such finding shall not affect the validity or enforcement of the remaining provisions.	The provisions of this permit are severable; if any provision of this permit to operate is held invalid, such finding shall not affect the validity or enforcement of the remaining provisions. [NRL-01-01 #10, Rule 1101 §6.2.13, 40 CFR 70.6(a)(5)]	II.E.1.
	7	Any violation of any condition of this permit is a violation of District Rules and Regulations and State law.	The permittee shall comply with all provisions of this permit. Noncompliance with the requirements specified in this permit, in whole or in part, constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial for a permit renewal application. [Rule 1101 §6.2.11.1, and .3, 40 CFR 70.6(a)(6)(i)]	II.F.1.
	14	The facility to which this permit is issued is strictly liable for assuring that the operating staff are advised of and familiar with all conditions contained in the permit.	<i>Deleted. No underlying applicable requirement</i>	II.F.1.
			This permit does not convey property rights or exclusive privilege of any sort. [Rule 1101 §6.2.11.2, 40 CFR 70.6(a)(6)(iii)]	II.F.2.
			It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Rule 1101 §6.11.4, 40 CFR §70.6(a)(6)(ii)]	II.F.3.
	8	This permit may be amended in writing at any time by the Air Pollution Control Officer (APCO), with or without cause, to insure compliance of this facility, or to mitigate or abate any public nuisance; such amendments may include, but are not limited to, requirements for additional operating conditions, testing, data collection, reporting or other conditions deemed necessary by the APCO to ensure compliance with District Rules and Regulations or State law.	This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified at Rule 1101 §5.8 and 40 CFR §70.7(f). The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [Rule 1101 §6.11.6, 40 CFR §70.6(a)(6)(iii)]	II.F.4.

			<i>Definition.</i> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. [Rule 1101 §2.13, 40 CFR §70.6(g)(1)]	II.G.1.
			<i>Effect of an emergency.</i> An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the reporting requirements of condition IX.B.1. and VI.B.2. of this permit are met. [Rule 275.C, 40 CFR §70.6(g)(2)]	II.G.2.
			The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that: <ul style="list-style-type: none"> a. An emergency occurred and that the permittee can identify the cause(s) of the emergency; and, [Rule 1101 §6.12.2.1 & .2] b. The facility was at the time being properly operated; and, [Rule 1101 §6.12.2.3] c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and, [Rule 1101 §VI.12.b.4] d. The permittee submitted notice of the emergency to the APCO and the Regional Administrator, within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. [Rule 275, Rule 1101 §6.12.2, 40 CFR §70.6(g)(3)] 	II.G.3.
			In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof for establishing that an emergency occurred. [Rule 1101 §6.2.12.3, 40 CFR §70.6(g)(4)]	II.G.4.
			Should the facility as defined in 40 CFR, §68.3, become subject to Part 68, the permittee shall submit a risk management plan (RMP) by the date specified in 40 CFR §68.10, and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by Rule 1101, Section 6.2.14. [40 CFR, Part 68]	II.H.1.
			Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements, and subsumed requirements incorporated into this permit, as of the date of permit issuance. [40 CFR §70.6(f)]	II.I.1.
			The permit shield provisions of 40 CFR §70.6(f) are hereby extended to all equipment listed in Tables 1 and	II.I.2.

			2 of this permit and to all terms and conditions and applicable requirements listed in this permit under each operating scenario. [40 CFR §70.6(a)(9)(ii), 40 CFR §70.6(f)]	
			The permit shield provisions shall apply to any permit amendments issued as a final action by the APCO. [(40 CFR §70.7(d)(4)]	II.I.3.
			The permit shield provisions shall apply upon final action taken by the APCO granting a request for an administrative permit amendment. [40 CFR §70.7(d)(4)]	II.I.4.
			The permit shield under §70.6(f) of this part shall not extend to minor permit modifications. [40 CFR §70.7(e)(2)(vi)]	II.I.5.
			<p>The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B.</p> <ul style="list-style-type: none"> a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR §82.156. b. Equipment used during maintenance, service, repair, or disposal of appliances must meet the standards for recycling and recovery equipment in accordance with 40 CFR §82.158 c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by a certified technician pursuant to 40 CFR §82.161. d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR §62.166. ("MVAC-like appliance" as defined in §82.152) e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR §82.156 f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR §82.166 	III.A.1.
			If the permittee manufacturers, transforms, imports, or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.	III.A.2.
			If the permittee performs a service on motor (fleet) vehicles when the service involves ozone-depleting substance refrigerant (or a regulated substitute substance) in the motor vehicle air conditioner, the permittee is subject to all the applicable	III.A.3.

			requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.	
			The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, Significant New Alternatives Policy Program.	III.A.4.
			SIP Rule 201 – <i>Nuisance</i> . No person shall not discharge from any non-vehicular source such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons of the public or which cause or have a natural tendency to cause injury or damage to business or property. [Rule 201 (supersedes SIP Rule 2-1)]	IV.A.1.
			SIP Rule 261 - <i>Combination of Emissions</i> is included in the Title V permit as condition IV.A.10. A copy of Rule 261 is included as Attachment C to this evaluation.	IV.A.10.
			Rule 308 (SIP Rules 2-8.1 and 2-8.2) – <i>Burning at Disposal Sites Prohibited</i> is included in the Title V permit as condition IV.A.1. A copy of Rule 308 is included as Attachment C to this evaluation.	IV.A.11.
			The permittee shall comply with the requirements of Sections 61.145 through 61.147 of the National Emission Standard for Asbestos for all demolition and renovation projects. [40 CFR Part 60, Subpart M]	IV.A.16.
I	2	Operation of this equipment listed on this permit must be conducted in compliance with all data and specifications submitted with the application under which this permit is issued unless otherwise noted below.	Operation of this equipment listed on this permit must be conducted in compliance with all data and specifications submitted with all applications under which this permit is issued (NRL-01-01 #2).	IV.A.14.
			The permittee shall comply with the requirements of Sections 61.145 through 61.147 of the National Emission Standard for Asbestos for all demolition and renovation projects. [40 CFR Part 60, Subpart M]	IV.A.13.
			The permit holder shall comply with all conditions of this permit and with all applicable federal, state, and District air quality regulations.	IV.A.15.
			All transfer processes involving a free-fall of material shall be constructed and operated in such a manner as to minimize the free-fall distance and fugitive emissions. [NRL-01-01 #24]	IV.A.16.
			All unpaved roadways and work areas shall have water and/or a dust surfactant applied at a minimum of three (3) times per day, as needed, with additional applications	IV.A.17.

			as necessary to minimize fugitive emissions during periods of elevated ambient temperatures, increased wind velocity, or low humidity. [NRL-01-01 #25]	
			Fugitive emissions shall be controlled at all times such that a public nuisance is not created at any point beyond the plant property lines. [NRL-01-01 #26]	IV.A.18.
			At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR §60.11(d), NSR permits]	IV.A.12.
			SIP Rule 202 – <i>Visible Emissions</i> . The permittee shall not discharge into the atmosphere from any single non-vehicular source of emission whatsoever any contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one (1) hour which is: a. As dark or darker in shade as that designated as No. 2 (or 40% opacity) on the Ringelmann Chart, as published by the United States Bureau of Mines; or b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a). [SIP Rule 202]	IV.A.2.
			SIP Rule 203 - <i>Particulate Matter Concentration</i> is included in the Title V permit as condition IV.A.3. A copy of Rule 203 is included as Attachment C to this evaluation.	IV.A.3.
			SIP Rule 205 - <i>Process Weight Limitation</i> is included in the Title V permit as condition IV.A.4. A copy of Rule 205 is included as Attachment C to this evaluation.	IV.A.4.
			SIP Rule 225 - <i>Solvent Storage</i> is included in the Title V permit as condition IV.A.5. A copy of Rule 225 is included as Attachment C to this evaluation.	IV.A.5.
			Rule 230 - <i>Reduced Sulfur Emission Standards</i> is included in the Title V permit as condition IV.A.6. (Current Rule 230 supersedes SIP Rule 2-13) Copies of both the current Rule 230 and the SIP-approved Rule 2-13 are included as Attachment C to this evaluation.	IV.A.6.
			SIP Rule 231 - <i>Sulfur Oxides Emission Standard</i> is included in the Title V permit as condition IV.A.7. SIP Rule 230 and the SIP-approved Rule 231 is included as Attachment C to this evaluation.	IV.A.7.
			SIP Rule 250 - <i>Circumvention</i> is included in the Title V permit as condition IV.A.8. A copy of Rule 250 is included as Attachment C to this evaluation.	IV.A.8.
			SIP Rule 260 - <i>Separation of Emissions</i> is included in the Title V permit as condition IV.A.9. A copy of Rule 260 is included as Attachment C to this evaluation.	IV.A.9.
§60.754(a)(3)(i)&(ii)]			Tier 2 specifications to determine the site specific NMOC concentration shall include the following: 1) For sampling, at least 2 sample probes shall be inserted per hectare of landfill surface that has retained waste for at least 2 years, up to a maximum of 50	IV.B.3.

			required probes. One sample of landfill gas shall be collected from each probe to determine the NMOC concentration, using EPA Method 25C or 18. If EPA Method 18 is used, the minimum list of compounds to be tested shall be those published in the most recent Compilation of AP-42. If composite sampling is used, equal sample volumes are required. All samples taken shall be used in the analysis. The NMOC concentration from Method 25C shall be divided by 6 to convert from C-NMOC, as carbon to hexane. [40 CFR §60.754(a)(3)(i)&(ii)]	
60.754(a)(1)			The Non Methane Organic Compound (NMOC) emission rate shall be calculated using the equation in 40 CFR §60.754(a)(1)(i), if the actual year-to-year solid waste acceptance rate is known, or the equation in 40 CFR §60.754(a)(1)(ii), if the year-to-year solid waste acceptance rate is unknown. The values for k, Lo, and CNMOC for both equations shall be taken from 40 CFR §60.754(a)(1), as appropriate. Both equations may be used if the actual year-to-year acceptance rate is known for part of the landfill life, but unknown for another part of the landfill life. The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating R, if documentation of the nature and amount of such wastes is maintained. (Tier 1 specifications) [40 CFR §60.754(a)(1)]	IV.B.1.
§60.754(a)(2)(i)			If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with the requirements of this permit to submit a landfill gas collection and control design plan and install the system, or determine a site-specific NMOC concentration and recalculate the NMOC emissions rate using Tier 2 specifications. [40 CFR §60.754(a)(2)(ii)]	IV.B.2.
§60.754(a)(3)(i)&(ii)			Tier 2 specifications to determine the site-specific NMOC concentration shall include the following: 1) The NMOC mass emissions rate shall be recalculated using the average site-specific concentration instead of the default value, 2) if the resulting calculated mass emissions rate is equal to or greater than 50 megagrams per year, the landfill owner or operator shall either comply with §60.752(b)(2), or determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using Tier 3 specifications. [40 CFR §60.754(a)(3)(i)&(ii)]	IV.B.4.
§60.754(a)(3)(i) ii)			If the calculated NMOC mass emissions rate, using the site-specific NMOC concentration constant, is less than 50 megagrams per year, then a periodic estimate of the emission rate report, pursuant to §60.757(b)(1) shall be submitted to the Administrator. The site-specific NMOC concentration shall be retested every 5 years, using Tier 2 specifications. [40 CFR §60.754(a)(3)(iii)]	IV.B.5.
§60.754(a)(4) and (i)			Tier 3 specifications to determine the site-specific methane generation rate constant shall include the following: 1) EPA Method 2E shall be used, 2) The NMOC mass emission rate shall be recalculated using the average site-specific NMOC concentration and the site-specific methane generations constant K, instead of the default values listed in 40 CFR §60.757(a)(1), and 3) If the resulting calculated NMOC mass emission rate is equal to or greater that 50 megagrams per year, the landfill owner or operator shall comply with §60.752(b)(2). [40 CFR §60.754(a)(4) and (i)]	IV.B.6.

§60.754(a)(4)(i)			If Tier 3 specifications are used to determine the site-specific methane generation rate and the calculated NMOC mass emission rate is less than 50 megagrams per year, then a periodic emission rate report shall be submitted to the Administrator, pursuant to §60.757(b)(1) and the NMOC concentration shall be recalculated annually, pursuant to §60.757(b)(1), using the site-specific methane generation rate constant and the NMOC concentration obtained using Tier 2 specifications. Determination of the site-specific methane generation rate constant is performed once and used in all subsequent annual NMOC emission rate calculations. [40 CFR §60.754(a)(4)(ii)]	IV.B.7.
§60.754(c)			For purposes of compliance with the United States Environmental Protection Agency's (U.S. EPA's) Prevention of Significant Deterioration (PSD) program requirements, the NMOC emission rate shall be estimated and compared to the PSD major source and significance levels in 40 CFR §51.166 or §52.21, using AP-42 or EPA-approved procedures. [40 CFR §60.754(c)]	IV.B.8.
§60.752(b)(1), §60.754(a), and §60.757(b)			The NMOC emission rate shall be recalculated and reported to the APCO annually, except as otherwise provided in this permit, until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams/year and a collection and control system is installed or until the landfill is closed. [40 CFR §60.752(b)(1), §60.754(a), and §60.757(b)]	IV.B.9.
§60.757(b)(1)(i)			If the NMOC emission rate, as reported in the annual report, is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual reports for those 5 years. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years. All data and calculations upon which this estimate is based shall be provided to the APCO. This estimate shall be revised at least once every 5 years. [40 CFR §60.757(b)(1)(ii)]	IV.B.10.
§60.757(b)(1)(i)			If the actual waste acceptance rate exceeds the estimated rate used in any year reported in a 5-year estimate of the NMOC emission rate, then a revised 5-year estimate shall be submitted to the APCO. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated acceptance rate. [40 CFR §60.757(b)(1)(ii)]	IV.B.11.
§60.757(b)(2)			The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions. [40 CFR §60.757(b)(2)]	IV.B.12.
§60.757(c)(1)			If the owner or operator elects to recalculate the NMOC emission rate using Tier 2 specifications and the resulting NMOC emission rate is less than 50 megagrams/year, annual periodic reporting shall resume. The revised NMOC emission rate report, with the recalculated NMOC emission rate using Tier 2 specifications, shall be submitted within 180 days of the first Tier 1 calculated exceedance of 50 megagrams/year. [40 CFR §60.757(c)(1)]	IV.B.13.
§60.757(c)(2)			If the owner or operator elects to recalculate the NMOC emission rate using Tier 3 specifications and the resulting NMOC emission rate is less than 50 megagrams/year, annual periodic reporting shall resume.	IV.B.14.

			The revised NMOC emission rate report, with the recalculated NMOC emission rate using Tier 3 specifications, shall be submitted within 1 year of the first Tier 1 calculated exceedance of 50 megagrams per year. [40 CFR §60.757(c)(2)]	
§60.752(b)			This operating permit may be cancelled with APCO approval when the landfill 1) is closed, pursuant to the requirements of this permit, 2) never needed control, and 3) is not otherwise subject to the requirements of part 40 CFR §70. [40 CFR 40 CFR §60.752(b)]	IV.B.15.
§60.752(b)(1)(i)(B) and 60.757(d)			If the landfill is permanently closed, a closure notification shall be submitted to the APCO within 30 days of waste disposal cessation. A permanent closure must take place in accordance with 40 CFR §258.60. If a closure report has been submitted, no additional waste may be placed in the landfill without filing a notification of modification to the APCO, pursuant to 40 CFR §60.7(a)(4). [40 CFR §60.752(b)(1)(ii)(B) and 60.757(d)]	IV.B.16.
§60.752(b)(2)(i)			If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall submit a collection and control system design plan, pursuant to 40 CFR §60.752(b)(2)(i) and prepared by a professional engineer, to the APCO within 1 year of that determination. [40 CFR §60.752(b)(2)(i)]	IV.B.17.
§60.752(b)(2)(i), §60.753, §60.755, and §60.756			If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system that effectively captures the gas generated within the landfill, within 30 months of that determination. This operating permit must be modified accordingly to show compliance with 40 CFR §60, Subpart WWW requirements applicable to a Municipal Solid Waste Landfill (MSWL) with a collection and control system. [40 CFR §60.752(b)(2)(ii), §60.753, §60.755, and §60.756]	IV.B.18.
§60.752(b)(2)(i), §60.753, §60.755, §60.756, §60.757, §60.758, and §60.759			If a gas collection and control system is installed, it shall comply with the operational standards of 40 CFR §60.753, the compliance provisions of 40 CFR §60.755, the monitoring provisions of 40 CFR §60.756, the reporting and recordkeeping requirements of 40 CFR §60.757 and §60.758, and the requirements of 40 CFR §60.759 (for active collection systems). [40 CFR §60.752(b)(2)(ii), §60.753, §60.755, §60.756, §60.757, §60.758, and §60.759]	IV.B.19.
60.758(a) and §60.754(c)			The permit holder shall maintain all records necessary to verify compliance with the requirements of 40 CFR 60, Subpart WWW – Standards of Performance for Municipal Solid Waste Landfills. Records shall kept on-site and up-to-date, and shall be readily accessible. Off-site records may be maintained if they are retrievable within 4 hours. Records to be maintained include, but are not limited to, the following: a. Records of the maximum design capacity, the current amount of solid waste in-place, and the year-by-year waste acceptance rate, in megagrams. Records	V.A.1.

			<p>of the total year-to-year mass of nondegradable solid waste shall also be kept if such waste is subtracted from the average annual acceptance rate when calculating R, including documentation of the nature and amount of such wastes; and, [40 CFR 60.758(a)]</p> <p>b. All calculations of the annual NMOC emission rate from the landfill using any of the methods specified in 40 CFR 60, Subpart WWW, including any calculations used to determine a site-specific NMOC concentration, and the site-specific methane generation constant, as applicable; and,</p> <p>c. Records to verify that the NMOC emission rate was calculated and compared to the PSD major source significance levels in 40 CFR §51.166 or §52.21, using AP-42 or EPA-approved procedures. [40 CFR §60.754(c)]</p> <p>d. All NMOC emission rate reports submitted to the Administrator and/or APCO as required by this permit.</p>	
			<p>In addition to any other reporting requirements contained in this permit the permittee shall comply with all of the following requirements: [Rule 1101 §6.2.7]</p> <p>a. A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the APCO; and,</p> <p>b. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken; and,</p> <p>c. For each emissions unit that is not in compliance with an applicable requirement, a progress report shall be made on a compliance schedule at least semi-annually and shall include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective action taken; and,</p> <p>d. Any application form, report, or compliance certification submitted pursuant to this permit shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [Rule 1101 §VI.2.7, 40 CFR §70.5(d)]</p>	V.A.2.
			Any deviation from permit requirements, including or that attributable to upset conditions or malfunction of continuous monitoring equipment shall be reported to the APCO within 2-hours of the discovery of any emission exceedance or breakdown	V.B.1.

			condition. [NRL-01-01 #18, Rule 275.A, 40 CFR §70.6(a)(3)(iii)(B)]	
			<p>In the event of a breakdown, malfunction, or other emergency the permittee shall submit to the APCO and the Regional Administrator, within two (2) weeks of the emergency event, properly signed, contemporaneous operating logs, or other relevant evidence that demonstrates: [Rule 275, Rule 1101 §6.2.12.2]</p> <ul style="list-style-type: none"> a. An emergency occurred; and, b. The probable cause(s) of the emergency can be identified; and, c. The facility was being properly operated at the time of the emergency; and, d. All steps were taken to minimize the emissions resulting from the emergency event; and, e. Within two working days of the emergency event, the permittee provided the APCO with a description of the emergency and any mitigating or corrective action taken. <p>In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred. This provision is in addition to any emergency or upset provision contained in any applicable requirement.</p>	V.B.2.
			The responsible official shall submit a compliance certification to the U.S. EPA Attention Air-3 and the APCO every 12 months unless required more frequently by an applicable requirement. [Rule 1101 §6.2.14.1]	V.C.1.
			The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition. [Rule 1101 §6.2.14.2]	V.C.2.
			The compliance certification shall include a statement of the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period. [Rule 1101 §6.2.14.3]	V.C.3.
			The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to Sections 114(a) and 504(b) of the Federal Clean Air Act. [Rule 1101 §6.2.14.4]	V.C.4.
			The permittee shall continue to comply with all permit conditions with which it is in compliance. [Rule 1101 §6.2.11.1, 40 CFR §70.5(c)(A)]	VI.A.1.
			The permittee shall comply, on a timely basis, with all applicable federal requirements that will become effective during the term of this permit. [Rule 1101 §6.2.9.2, 40 CFR §70.5(c)(8)(iii)(B) & §70.6(c)(3)]	VI.A.2.
.	16	The physical integrity of all process and air pollution control equipment shall be maintained as	<i>Subsumed by conditions IV.A.15. "General Duty Requirement"</i>	

		necessary to insure compliance with District Regulations and emission limitations set forth in the permit.		
	17	Modification or alteration of the equipment or operations described in this permit, including a change in the method of operation or a change in location, may occur only when approved in writing by the APCO prior to the implementation of such modification or change. For the purposes of this condition, the term “modification” shall be defined as set forth in District Rule 430. Unless otherwise specified by the APCO in writing, any and all alterations shall require submittal and approval of an Authority to Construct permit application.	<i>Subsumed by conditions II.B.2. and II.B.3. of the Title V permit</i>	
	18	The APCO shall be notified immediately, and in no event later than two (2) hours from the time of discovery, of any upset or breakdown or malfunction which occurs with the equipment under permit, or emissions exceeding any of the limits established in District Rules and Regulations or the level of emissions for which a permit or variance was granted. Excess emissions shall be reported in accordance with the requirements of District Rule 275 and failure to do so constitutes a willful violation of District Rules.	<i>Subsumed by conditions V.B.1. and V.B.2. of the Title V permit</i>	
	19	Upon detection, an upset or breakdown condition which causes or may cause a violation of the emissions limitations as set forth in District Rules, or as a condition of this permit, shall be corrected immediately. In the event that corrective action can not remedy the emissions violation, the operation of the subject equipment shall be terminated.	<i>Deleted. No underlying applicable federal requirement</i>	
	20	The APCO shall be provided, upon request, with any and all emissions related data collected as a result of the permitted activity, including data collected or obtained as required by other regulatory agencies.	The permittee shall furnish, within a reasonable time, any and all information that the APCO or the Regional Administrator may request, in writing, to determine whether or not cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit, or whether or not cause exists for a permit or enforcement action. Upon written request, within a reasonable time period, the	II.F.5.

			permittee shall also furnish to the APCO or Regional Administrator copies of all records required to be kept by this permit or, for information claimed to be confidential, the permittee may furnish such records along with a claim of confidentiality. [Rule 1101 §6.11.6, 40 CFR §70.6(a)(6)(v)]	
	21	The facility shall maintain the permitted equipment in compliance with federal and State Occupational Safety and Health Administration requirements so as to insure the health and safety of District representatives performing a site inspection.	<i>Deleted. No underlying applicable federal requirement. The conditions at VI.A.1. meet the general intent of the condition.</i>	
	22	Annually, within thirty (30) days after the first day of each year, the permit holder shall provide the APCO with any and all production information requested by the APCO, and upon request, provide a written summary of any and all equipment malfunctions (upset or breakdown conditions) that may have resulted in an increase in air emissions during the previous calendar year. The annual operating summary shall itemize equipment upset or breakdown conditions by date, time and duration of the upset or breakdown condition, and shall also include the estimated emission release of primary air pollutants.	<i>Deleted. No underlying applicable federal requirement. This requirement is satisfied through the reporting requirements contained in section VII of the Title V permit.</i>	

Evaluation completed by:

Name: _____ Date: _____
Butte County AQMD

Attachments:

- A. Proposed Title V Operating Permit for the Neal Road Sanitary Landfill
- B. SIP-Approved District Rules (Prohibitory and Permitting Rules)
- C. Current District Rules (current rules that supersede SIP-Rules)
- D. 40 CFR Part 60, Subpart WWW.
- E. Current Permit to Operate for the Neal Road Sanitary Landfill.
- F. District Rule 1101